

CHAPTER NO. 25

HOUSE BILL NO. 2081

By Representative Shepard

Substituted for: Senate Bill No. 2009

By Senator Jackson

AN ACT to amend Chapter 257 of the Private Acts of 1923; as amended by Chapter 251 of the Private Acts of 1951; Chapter 278 of the Private Acts of 1959; Chapter 5 of the Private Acts of 1965; Chapter 164 of the Private Acts of 1967; Chapter 5 of the Private Acts of 1967; Chapter 86 of the Private Acts of 1971; Chapter 14 of the Private Acts of 1975; Chapter 45 of the Private Acts of 1983; Chapter 14 of the Private Acts of 1983; Chapter 193 of the Private Acts of 1988; Chapter 44 of the Private Acts of 1991; Chapter 87 of the Private Acts of 1991; Chapter 88 of the Private Acts of 1991 and Chapter 43 of the Private Acts of 1991; and any other acts amendatory thereto, being the charter of incorporation of the Town of White Bluff, in the County of Dickson, Tennessee, to establish its boundaries, to provide for the appointment and subsequent election of the officers, to prescribe their duties, and to define the rights, powers and duties of said corporation, and to repeal Chapter 163, Acts of 1907, and all acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 257 of the Private Acts of 1923; as amended by Chapter 251 of the Private Acts of 1951; Chapter 278 of the Private Acts of 1959; Chapter 5 of the Private Acts of 1965; Chapter 164 of the Private Acts of 1967; Chapter 5 of the Private Acts of 1967; Chapter 86 of the Private Acts of 1971; Chapter 14 of the Private Acts of 1975; Chapter 45 of the Private Acts of 1983; Chapter 14 of the Private Acts of 1983; Chapter 193 of the Private Acts of 1988; Chapter 44 of the Private Acts of 1991; Chapter 87 of the Private Acts of 1991; Chapter 88 of the Private Acts of 1991 and Chapter 43 of the Private Acts of 1991; and any other acts amendatory thereto, being the charter of incorporation of the Town of White Bluff, in the County of Dickson, Tennessee, is amended by deleting such chapters in their entirety and to incorporate anew the Town of White Bluff, in the County of Dickson, to establish its boundaries, to provide for the appointment and subsequent election of the officers, to prescribe their duties, and to define the rights, powers, and duties of said corporation, and to repeal Chapter 163, Acts of 1907, and all acts amendatory thereto.

SECTION 2. Incorporation. The Town of White Bluff, in the County of Dickson, and the inhabitants thereof, are hereby constituted a body politic and corporate under the name and style "Town of White Bluff," Tennessee, and by the same name shall have perpetual succession; shall sue and be sued, plead and be impleaded in all the courts of law and equity and in all actions whatsoever, may contract, purchase, receive, hold and own real, personal, and mixed property, and sell, lease, and convey the same for the benefit of the corporation, may have and use a common seal, and may have all the rights and privileges of a municipal corporation.

SECTION 3. Boundaries. The boundaries of the Town shall be those fixed by Chapter 275 of the Private Acts of 1923, and all acts amendatory thereto, and any annexation made pursuant to general law. The precise boundaries shall be kept on record by the city Recorder.

SECTION 4. Definitions. As used in this chapter, the following words and terms shall mean:

(1) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements relating to any aspect of municipal affairs, prepared or recommended by an agency of the federal or state government, or by a trade association or other organization generally recognized as an authority in its field of activity.

(2) "Council" or "Town Council" shall mean the legislative body of the Town, which shall be composed of the mayor and five (5) councilmen elected as provided in this Chapter, and any incumbent (councilmen or aldermen) until the expiration of their current terms of office.

(3) "Councilman" and "member of Council" shall mean a person elected to the office of councilman as provided in this Chapter, and shall include the "Mayor".

(4) "Elector" shall mean a qualified voter residing within the Town.

(5) "Non-Partisan" shall mean without any designation of candidates as members of any state or national political party or organization.

(6) "Qualified voter" shall mean a person who is qualified to vote for members of the General Assembly of the State of Tennessee.

(7) "Town" shall mean the Town of White Bluff, Tennessee.

(8) The masculine shall include the feminine, and the singular shall include the plural and vice versa, except when the contrary indication is manifest.

SECTION 5. Eligibility of Voters. All persons who are qualified to vote in state and county elections and who reside within the corporate limits of the Town of White Bluff shall be entitled to vote in all municipal elections in the Town of White Bluff, Tennessee, provided they shall be required to show any registration receipts and they shall be required to register under any applicable state election registration laws.

SECTION 6. Town Council. The officers of the Town of White Bluff to be elected by the qualified voters of said town shall be one (1) Mayor and five (5) Councilmen. The Mayor and the five (5) Councilmen shall constitute and shall be known as the Town Council. The present officers of the Town of White Bluff shall be the present officers under this charter the same as they are under the old charter until their present terms expire, and insofar as this chapter changes the officers or their terms of office.

SECTION 7. Organization. The Mayor and the Council shall meet and organize upon the first Tuesday in May after their election or as soon thereafter as practicable, and shall elect a Recorder, a Town Treasurer, and such other officers as may be necessary to carry out the objective of this charter. Officers elected by the Town Council may be non-residents of the town.

SECTION 8. Election of Mayor and Council members. All persons holding office under this charter elected by the qualified voters shall be citizens and voters in the Town of White Bluff hereby incorporated. Effective April 27, 1991, the town shall hold elections every two (2) years on the last Saturday in April. All persons currently serving shall remain in office until their successors are elected and qualified. Any officer elected by the qualified voters of the Town of White Bluff moving outside of the municipality's boundaries during such officer's term of office shall be presumed to have vacated the

office, and it shall be declared vacant by the City Council, and filled as provided elsewhere in this charter.

SECTION 9. Powers of Council. The Town Council shall be the legislative body of the Town of White Bluff, and they shall have full power and authority by ordinance within said corporation:

(1) To assess, levy, and collect taxes upon all property designated by law for state, county, or municipal purposes.

(2) To levy and collect taxes upon all privileges taxable by the laws of the State.

(3) To appropriate money and provide for the payment of the debts and expenses of the corporation.

(4) To make regulations and laws to secure general health and safety of the inhabitants of said town; to declare, prevent, and remove nuisances; to make and enforce quarantine laws and regulations; and to prevent the introduction and spread of contagious diseases.

(5) To impose fines, forfeitures, and penalties for the breach of any ordinance so made, and provide for their recovery; but no penalty shall exceed the maximum allowed under state law.

(6) To license, tax, and regulate auctioneers, grocers, merchants, retailers, hotels, brokers, confectioners, bankers, peddlers, livery stable keepers, and all other privileges taxable by the State.

(7) To prohibit and suppress all gambling houses, disorderly houses, bawdyhouses, and obscene pictures and literature.

(8) To prohibit and suppress the sale of spirituous, vinous, malt, and other intoxicating liquors.

(9) To regulate, restrain, or prevent the carrying on of any business dangerous in producing fires; and to regulate and suppress the sale of firearms, and to prevent and suppress the selling and carrying of pistols, bowie knives, dirks, or other deadly weapons.

(10) To regulate the storage of powder, tar, pitch, rosin, salt peter, gun cotton, coal oil, gasoline, and all other explosives and inflammable material; and to regulate or suppress the sale of firecrackers, toy pistols, fireworks, and all explosives.

(11) To regulate the use of lights, lamps, electric wiring, steam, gas, and hot air pipes in all factories, shops, or other buildings or places.

(12) To establish fire districts and to regulate and prevent the erection of wooden buildings covered with combustible material therein.

(13) To prevent the dangerous construction and condition of buildings, chimneys, flues, fireplaces, hearths, stoves, stovepipes, ovens, boilers, and apparatus, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous, and to make such general regulations for the prevention and extinguishment of fires as the Council may deem expedient.

(14) To regulate the size, number, and manner of construction of doors and stairways in all public halls or other buildings used for the gathering of a large number of people, whether now built or hereafter to be built, so there may be convenient, safe, and speedy exits in case of fire.

(15) To provide for the prevention or extinguishment of fires; to organize and maintain a fire company or companies, with such provisions as to necessary equipment as deemed necessary and expedient by the Council.

(16) To pass all ordinances necessary for the health, convenience, and safety of the citizens of said town and to carry out the full intent and meaning of this Act, and to accomplish the objectives of this corporation.

(17) To regulate, tax, license, or suppress the keeping or going at large of all animals within the town, in addition to the prohibition and inhibitions hereinafter provided in this Act; to impound such animals and in default of redemption, in pursuance of ordinance, to sell or dispose of the same.

(18) To prevent the raising of hogs and the keeping of hog pens within the corporate limits, as hereinafter provided.

(19) To prevent and remove all filth and rubbish from the town and all encroachments into and obstructions upon all streets, lanes, alleys, sidewalks, and pavements, and for the cleaning of the same.

(20) To provide the town with water and lights; to erect hydrants and pumps; to construct reservoirs, stand-pipes, and power houses; to dig or bore wells, to lay pipes for conducting and distributing water over the town; to erect wire and lines, poles, and conduits for the carriage of current, to keep same in repair; to lay pipes and conduits for the bringing of water from streams, reservoirs, all wells and stand-pipes, and to string wire, to erect poles, lay conduits from power houses for the purpose of conducting current into the town for use of the inhabitants thereof in such a way and manner as shall be deemed to the best interest of the town and to keep the same in repair; to hold by gifts, or acquire by purchase or condemnation proceedings under the general laws of the State, rights-of-way for water pipes, conduits, wire lines and holes to and from streams, wells, pumping station intakes, and power houses, for the erection of stand-pipes, reservoirs, wells, pumping stations, intakes, and power houses either within or without the corporation limits of the town; to maintain the same; and said corporation shall have the power by condemnation proceedings, as provided by the laws of the State of Tennessee, to condemn sites for dams from any stream or streams, and wells for the purpose of supplying water to said corporation in the manner hereinabove provided.

(21) To acquire by purchase or gift, or construct, erect, operate, and maintain sewers and a sewerage system within or without the corporation limits of the town. For these purposes, the town shall have the right to condemn land and rights-of-way under the general laws of the State of Tennessee.

(22) To erect and maintain a workhouse and to work all corporation prisoners on the streets and alleys of the corporation, or hire the prisoners to other parties; and all such prisoners confined for the payment of any fine or costs shall be allowed a credit of fifty cents (50¢) per day on said fine and costs on such day's confinement. In the absence of such workhouse, the Council is authorized to contract for the confinement of corporation prisoners in the county

jail, and each prisoner sent to the county jail for other non-payment of any fine and costs assessed against him shall be entitled to a credit on his fine and costs at the rate of fifty cents (50¢) per day for each day that he is confined in the county jail. In the event satisfactory arrangements cannot be made with county jail authorities for the confinement and working of such prisoners, then an arrangement may be made with the workhouse or jail authorities of any other county in Tennessee for that purpose.

(23) The right to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repairs streets, avenues, lanes, alleys, sidewalks, squares, gutters, and conduits; and erect, establish, and keep all necessary buildings and improvements for the use of the town and to make all necessary provisions for the maintenance, regulations, and improvement of the same, and to make all necessary appropriations for said purposes; and to take and appropriate ground for widening streets, avenues, squares, and parks when the public conveniences require it, under the provisions of the condemnation laws of the State of Tennessee.

(24) To provide by ordinance for the construction of sidewalks, curbing, and gutters within the corporate limits of the Town of White Bluff, Dickson County, Tennessee; to declare certain acts or omissions a nuisance, and provide for the abatement thereof; to provide for ordering and enforcing, the construction of sidewalks, curbing, and gutters, and declaring a lien upon land and provide for its enforcement, and to provide penalties for the violation of this ordinance.

(25) The Town Council shall have the right to pass an ordinance or ordinances to be known as an "Abutting Property Law"; that they may by ordinances construct, or cause to be constructed, in accordance with the rules or regulations of a town engineer, or any committee, or commission to be provided for the purpose of governing the construction of improvements in said town, any sidewalk, street, gutter, alley, or other street improvement, with any material or materials that may be required by a town engineer, committee, or commission and a portion of the cost of the improvement may be assessed against the property owner alongside or near the improvement to any extent as set out in said ordinance, not to exceed two-thirds (2/3) of the cost of improvement. But before improvements shall be made, or the portion of the expense thereof required to be paid by the adjacent landowner, the Town Council shall first pass a resolution setting out the nature and kind of work desired, naming the adjacent landowners, and setting out an estimate of the cost of the improvement, and the adjacent landowners shall be given notice of the proposed improvements and the estimated cost, and all the details of the execution of this section shall be fully set out in ordinance to be passed hereunder. Upon the passage of said ordinance, all such improvements shall be a lien upon the property of the adjacent landowners in accordance with the terms of the ordinance, and the lien shall be foreclosed in the same manner as all other liens are foreclosed. The ordinance may provide for the construction of improvements on a cooperative basis, by agreement, or by the town. In the event of construction by the town, then all the provisions of said ordinance shall apply for the purpose of enforcing the payment of the portion due from the landowner.

(26) To grant the right-of-way through the streets, avenues, and squares of said town for the purpose of railroads, electric light system, telephone system, telegraph system, water and gas mains, or for other purposes, and to regulate the laying out, construction, and operation of the same, with such limitation as to the time any such franchise may be granted, as may be considered to the best interest of the town.

(27) To prohibit the speeding of automobiles and other vehicles on the public thoroughfares of said corporation.

(28) To make and enforce all laws and regulations necessary or proper for the preservation or protection of all trees and town or public property of every kind situated within said town.

(29) To pass all laws and ordinances for the governing of said town and the rightful enjoyment of the powers herein conferred, and the regulation of the officers, agents, and employees of the corporation as may be deemed necessary, and to possess and exercise the power to pass all reasonable ordinances for the regulation and preservation of public morals and health, peace, and good order of the town conferred by law upon municipal corporations; provided they are not incompatible with the laws of the State and this Act.

(30) The Council shall have the power to enact ordinances for the arrest of all persons who lounge around the streets or stores without any visible means of support, and to proceed against such persons as vagrants.

(31) The Council shall have the power to restrain all hogs, horses, dogs, fowls, and all other animals, whether specifically mentioned herein or not, from running at large within the corporation limits, and to impose such fines and penalties against the owners of such animals as may be expedient under the facts in each case, but in no case to exceed the maximum allowed under state law, and to authorize a summary sale or other disposition of such animals found running at large within the corporate limits.

(32) To regulate the keeping of all animals within the corporate limits, and for sales stables, lots, and places where such animals may be kept for sale or exchange, privately or at auction.

(33) To declare any building or any property to be a nuisance, condemn it as such, and cause the same to be abated, if said property should for any reason be dangerous, unhealthful, or if it is unsightly, dilapidated, or in any way mars the beauty, pride, or looks of said town.

(34) To erect light wires, poles, and appliances to connect with any other company's electric lines for supplying current for said corporation, or to purchase any water site or power, and for these purposes, said corporation may condemn such sites, and rights-of-way to the same, either in or out of corporate limits.

(35) To prohibit and restrain persons from pouring, piping, or running water, refuse or any other filth into any street, alley, or drain, and to regulate and control the construction of cesspools and septic tanks, or to require construction or removal of same.

(36) To extend or enlarge or relieve the duties or responsibilities of any officer of the Town of White Bluff, and in the discretion of said Council, the Council may combine two (2) offices in any one (1) person or, in its discretion, where such is practicable, may select a bank to hold office of treasurer.

(37) To borrow money on the credit of the town for any lawful corporation purpose, on interest warrants, or notes to be authorized by the Council by Ordinance or Resolution, and warrants or notes to be executed by the

Mayor and Recorder. The sums so borrowed shall be known as the "Town's Floating Debt".

(38) To lease, grant, sell, and grant a franchise, by purchase or by eminent domain, any property, when such action shall be for the benefit of said corporation.

(39) The Town Council shall have the right to create by ordinance a Town Engineer, Committee, or Commission, and delegate to said Engineer, Committee, or Commission the right to use and exercise control over all the improvements of every kind within the city limits of said town insofar as the construction of new improvements or the condemnation of old and dilapidated property is concerned. Said Engineer, Committee, or Commission may be given the right to require all prospective constructors to first obtain a written permit from said Engineer, Committee, or Commission before proceeding with said construction.

(40) The Town Council shall have the right to contract with any other town, or municipal or private corporation for the furnishing of electric lights to White Bluff or its citizens, or it may grant a franchise to any municipal or private corporation to extend its electric lines into, and sell electric current to White Bluff or its citizens.

SECTION 10. Old Ordinances Legal. All ordinances, rules, or regulations enacted or adopted heretofore by the Council of the Town of White Bluff, by or under any other or former charter, be, and the same are, hereby declared to be the law of the town and as binding on its citizens as if enacted or adopted under this charter.

SECTION 11. Meetings. The Town Council shall meet once each month in a regular meeting and at any other times as appear necessary or when called together by the Mayor.

SECTION 12. Ordinances. All ordinances enacted for the Town of White Bluff shall pass two (2) readings by the Town Council, at least one (1) reading to be at a regular meeting of the Council, but before an ordinance becomes effective, it shall, on or before the next meeting after its passage, be signed and approved by the Mayor. The Mayor shall have veto power, and if he shall refuse to approve an ordinance, he shall return the same to the Council at its next meeting, with his reasons stated in writing for his refusal. Said ordinance shall not become binding unless the Council by the affirmative vote of four (4) members shall pass the same, notwithstanding the Mayor's veto. If the Mayor does not veto an ordinance as provided within ten (10) days, it shall be valid and enforceable without his signature and approval.

SECTION 13. Duties of Mayor. The Mayor shall be the chief executive officer of the town, and as such shall be Chairman of all standing committees. In all suits and actions brought against the Town of White Bluff, process shall be served upon the Mayor, or in his absence on the acting Mayor, and he shall immediately notify the City Attorney of such suit or suits and the nature of the same. The Mayor shall have full custody and control of all city property and shall have control of all employees of the town.

SECTION 14. Additional Duties of Mayor. It shall be the duty of the Mayor to preside at all meetings of the Town Council and to vote in all cases where there is a tie vote. He shall have the power to call special meetings of the Town Council when he deems such meetings necessary, upon giving adequate notice to the Council and upon giving adequate public notice. Notice of any special meetings shall state the matters to be considered at the special meeting and the action of the council shall be limited to those

matters submitted. He shall have the power to make temporary appointments to any office, except that of Councilman, arising from the absence, sickness, or disability of any such officer, and report such appointment to the Council at its next regular meeting, until the Town Council fills the same. He shall see that all ordinances and resolutions of the Town Council are fully enforced, observed, and respected. The Mayor and the Council may remove, by majority vote, any officer for failure to perform his duty, or for other satisfactory reasons.

The Mayor shall countersign checks and drafts drawn upon the treasury and sign all contracts to which the municipality is a party. He shall make appointments to boards and commissions as authorized by law. Unless otherwise designated by the Council by ordinance, the Mayor shall perform the following duties or may designate department heads to perform any of the following duties:

(1) Act as purchasing agent for the town in the purchase of all materials, supplies and equipment for the proper conduct of the town's business; provided, that all purchases shall be made in accordance with policies, practices, and procedures established by the Council.

(2) Prepare and submit the annual budget and capital program to the Council for their adoption by ordinance.

(3) Keep the Council fully advised as to the conditions and needs of the town.

(4) Make recommendations to the Council for improving the quality and quantity of public services to be rendered by the officers and employees to the residents of the town.

(5) Report to the Council the condition of all property, real and personal, owned by the town and recommend repairs or replacements as needed.

(6) Recommend to the Council and suggest the priority of programs or projects involving public works or public improvements that should be undertaken by the town.

SECTION 15. Vice Mayor. The Town Council shall elect a Councilman to the office of vice mayor. The Vice Mayor shall be elected every two (2) years at the first town council meeting after each regular city election. The Vice Mayor shall serve when the Mayor is absent or unable to discharge the duties of his office, and, in case of a vacancy in the office of mayor, for the unexpired term of the Mayor. The Mayor shall select one (1) of the council members as a nominee for the position of vice mayor. If the member so nominated fails to be elected by a majority of the town council, then any member of the council shall be allowed to nominate another member for the position of vice mayor. The council shall then elect a vice mayor by majority vote. By affirmative vote of a majority of the remaining members, the Town Council shall fill a vacancy in the office of councilman for the unexpired term. All elections by the Council shall be made by voice vote, upon the calling of the roll.

In the case of a vacancy in the office of mayor or councilman, any portion of the unexpired term beyond the next regular municipal election shall be filled by the voters at that election if such vacancy occurs at least twenty (20) days before the latest time for qualifying in that election.

SECTION 16. Duties of Recorder. The Council shall appoint a City Recorder, who also may be appointed to the position of Treasurer. The Recorder shall keep

accurate and correct minutes of all proceedings of the Town Council, issue privilege licenses, and collect taxes on same. The Recorder shall collect all ad valorem and special taxes levied by the Town Council. The Recorder shall have charge of all the records of said corporation and shall take special care of the same. The Recorder shall perform such other duties that the Town Council may by ordinance impose not in conflict with the provisions of this charter or laws of the State.

SECTION 17. Duties of Treasurer. The Treasurer shall receive, collect and issue receipts for all taxes and all other revenue (and bonds) of the town, and the proceeds of its bond issues, and disburse them. The Treasurer shall keep a proper account of all funds of whatever nature that may come into the town's hands, and shall keep such book or books as the Town Council may direct.

The Treasurer shall make out and present quarterly, or more frequently if the Town Council demands it, a full and explicit report of all moneys and the disbursement of the same, that have come into the town's hands, which report shall, after it is approved by the Mayor, be published in a newspaper in Dickson County, or by printed statements upon handbills, which shall be left in the office of the Recorder, where they can be distributed to the taxpayers and inhabitants of the town.

The Treasurer shall perform such other duties as the Town Council may provide.

SECTION 18. Duties of Police Chief. It shall be the duty of the Police Chief to enforce all laws of the State and all ordinances of the town, and when necessary, the police force may use force in making arrests. The police force shall be thoroughly acquainted with the bylaws and ordinances of the town; and shall rigidly enforce them, for which purpose full police power is hereby given, which they may promptly exercise without warrant in hand; and when necessary, shall have the right and power to call to their assistance any number of citizens the chief may deem necessary to assist in making arrests.

SECTION 19. Taxes. All property, real and personal, subject to State and county taxes, when the same shall have become duly assessed for taxation as now, or may hereafter be provided by law under the general laws of the State, shall be the basis upon which property shall be taxed and the taxes collected by the Town of White Bluff for municipal purposes as hereinafter provided.

SECTION 20. Taxes When Due; Delinquent Taxes. All the taxes due the Town of White Bluff, except privilege and merchants' ad valorem taxes, shall be due and payable on the first day of November in the year for which the taxes are assessed.

On the last day of February following the year for which said taxes were levied, all taxes uncollected and unpaid at the time shall become delinquent taxes.

Said taxes shall then become delinquent and shall have the same force and effect of a judgment of a court of record, and the Recorder shall have the power to issue distress warrants and alias and pluries distress warrants in the name of the Town of White Bluff, to enforce the collection of the taxes against the person owing the same, and such distress warrant or warrants shall be executed by the Police Chief of the Town of White Bluff. By a levy upon and by sale of lands, goods, or chattels of said delinquent taxpayers under the same provisions as prescribed by law for the issuance of distress warrants for the collection of State or county taxes, such delinquent taxes owed shall be collected.

The Town Council by ordinance shall have the power to provide that all delinquent taxes shall bear interest at the rate allowed by state law from the last day of

February of the year said taxes become delinquent and the Town Council may in its discretion provide for a penalty on said delinquent taxes of not more than one-half of one percent (0.5%) for each month said taxes are delinquent.

SECTION 21. Tax Lien on Property. All municipal taxes on real estate in the Town of White Bluff are hereby declared to be a lien on said property from and after the first Monday of October of the year for which the same are assessed, superior to all other liens except the lien of the State of Tennessee and the County of Dickson, for taxes legally assessed thereon, with which it shall be a coordinate lien. No assessments shall be invalid because the size and dimensions of any tract, lot, or parcel of land have not been precisely named, or the amount of the valuation, or tax not correctly given, nor because the property has been assessed in the name of the person who did not own the same, nor because the same was assessed to unknown owners, nor on account of any objections or informality merely technical, but all such assessments shall be good and valid.

SECTION 22. Tax Lien Enforcement. The lien for delinquent and unpaid taxes, as above provided, shall be enforced against the property and the owners thereof in the way and manner provided in Chapter 6 of the Acts of the Legislature of 1897, entitled "An Act to enable incorporated towns and cities in Tennessee to sue in their corporate name, in the Chancery Courts, for municipal taxes, assessed on real value to enforce the lien, for same, by sale of the land assessed, and in such suit to make, or may make the owners of as many as twenty-five (25) distinct parcels of land defendants."

SECTION 23. Distress Warrants Issued. No real property on which delinquent taxes are due shall be proceeded against as provided above until a distress warrant has been issued against the owner of said realty and returned by the City Recorder as nulla bona.

SECTION 24. City Court; City Judge. A city court is established as follows:

(1)

(A) City Judge-appointment, qualifications, terms. To serve as City Judge, an individual shall be thirty (30) years of age, shall be qualified to practice law in the State of Tennessee, shall before his election have been a resident of the State of Tennessee for five (5) years and of the town for one (1) year, and shall be elected by the qualified voters of the town for a term of service of eight (8) years.

(B) Vacancies. A vacancy in the office of city judge shall be filled by appointment by the City Council. The person appointed may serve only until the next regular general August general election. At such election, a person shall be elected to serve any unexpired term if the full term of his successor is not to be filled at such election. In the temporary absence or inability of a City Judge, the City Council shall appoint a qualified person to serve until the judge's return.

(2)

(A) Jurisdiction powers, compensation. The jurisdiction of the city judge shall extend to the trial of all offenses against the ordinances of the city, and costs in such trials shall be fixed by ordinance. The city judge shall have power to levy fines, penalties, forfeitures and costs, to issue all necessary process, to administer oaths, and to maintain order including the power which general session judges have to fine for

contempt. The sole compensation for serving as city judge shall be a salary fixed by the Council, and all fees for actions or cases in a city judge's court shall belong to the city and shall be paid into the city treasury.

(B) In addition to the foregoing, for offenses committed within the corporate limits of the Town of White Bluff, Tennessee, as they now exist or might hereinafter be extended, the city judge and the city court shall have jurisdiction coextensive with and equal to that of the Dickson County general sessions court such that, said judge shall have the right to issue search warrants and shall have and shall be given all the rights, authority, duties, powers, and jurisdiction in all criminal cases committed within said corporate limits that the judge of the general sessions court of Dickson County has, and from time to time may have the power of binding over to the circuit or criminal courts of Dickson County all persons who commit felonies in said corporation.

(3) Bail. The bail of persons arrested and awaiting trial and persons appealing a decision of the city judge shall be fixed by the city judge, upon such security as in his discretion he deems necessary or as may otherwise be provided by ordinance. Cash bail of persons arrested may be accepted at such times and by officers or employees other than the city judge as provided by ordinance. Such ordinance shall require that the person arrested be given a receipt for cash bail which shall explain the nature of the deposit. The receipt shall be in triplicate; the original to the depositor, duplicate and money to the city clerk, and triplicate to the city judge within twenty-four (24) hours after the arrest.

(4) Fines and costs. Fines and costs may be paid by installments to be fixed and security determined as provided by ordinance. If the offender has the ability to pay fines and costs and refuses to pay fines and costs or to furnish security, the city judge shall commit the offender to the city jail or workhouse until such fines and costs have been paid at a daily rate of commutation fixed by ordinance, but no person shall be continuously confined in excess of sixty (60) days. Receipts of the city court shall be deposited daily with the city clerk, and the city judge shall make monthly reports thereof to the city council.

(5) Docket. The city judge shall keep a docket of all cases handled by him.

(6) Separation of powers. The city judge shall be exclusive judge of the law and the facts in every case before him, and no officer or employee of the city shall attempt to influence his decision except through pertinent facts presented in open court.

SECTION 25. City Attorney. The City Attorney shall be an attorney at law, entitled to practice in the courts of the State of Tennessee, and shall be elected by the City Council and shall receive such salary, or compensation, and discharge such duties as shall be fixed by the City Council.

SECTION 26. Salaries. The salary of the Mayor shall be four hundred dollars (\$400) per month, and the Mayor shall have no expense account. The salary of each member of the Town Council shall be one hundred dollars (\$100) per month. Each council member will also receive the sum of fifty dollars (\$50.00) for attending each specially called meeting. All elected officials, officers and employees of the town shall be subject to the town's adopted Travel Regulations and Policies.

The Town Council at its discretion shall fix the salary or any compensation for the Recorder, Treasurer, Police Chief, and any other officers that may be elected by the Town Council.

SECTION 27. Bond of Officers. All officers of this corporation, except the Mayor and Councilmen, shall before entering upon the discharge of their duties, enter into bond under such penalties as the Town Council may prescribe.

SECTION 28. Town May Issue Bonds. From and after the passage of this Act, the Town of White Bluff shall have power to issue coupon bonds in the manner and under the restrictions hereinafter provided, not to exceed in the aggregate a sum which, taken with all other debt or debts of the corporation then existing, and not provided for by a prior assessment of taxes, shall not exceed twenty percent (20%) of the assessed value of property subject to taxation by this corporation provided, that the proceeds of said bonds shall be used exclusively for the purpose of their issuance. They shall have power to issue bonds for the purpose of constructing and building waterworks, sewers, and to improve streets, alleys, and avenues, and for the purpose of erecting, constructing, and building any other building that may be necessary for the use of the town or for the purchase of any lot or parcel of ground to be used for corporation purposes or for any other purpose deemed advisable or necessary by the Council.

SECTION 29. Bond Interest and Term Limits. The bonds so issued shall be of such denomination and be due at such time, not less than five (5) nor more than thirty (30) years from date, and shall be payable or redeemable at such times and places as the Town Council may determine.

SECTION 30. Sale of Bonds. The bonds thus provided for in no case shall be sold for less than par, and the coupons attached shall at maturity be receivable for all taxes and dues to said corporation.

SECTION 31. Corporate Liability. The Town of White Bluff, the corporation hereby created, shall be and shall become liable for all debts and liabilities of "The Mayor and Aldermen of the Town of White Bluff," the charter of which has been repealed.

SECTION 32. Old Laws Effective. All laws, ordinances, and resolutions of the Mayor and Aldermen of the Town of White Bluff now in force shall remain in force and binding as ordinances and resolutions of the Town of White Bluff, and shall have the same force and effect as if passed by the Town Council of the Town of White Bluff, until they are repealed, amended, or abolished; provided, they do not conflict with the provisions of this charter or the laws of the State of Tennessee.

SECTION 33. Act Declared a Public Law. This Act is declared a public law and may be read in evidence in all the courts of law and equity in this State, and all ordinances, resolutions, and proceedings of the Town Council may be read as evidence in all courts of law and equity after first being attested by the Recorder and the seal of the corporation affixed thereto.

SECTION 34. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the Town of White Bluff. Its approval or nonapproval shall be proclaimed by the presiding officer of the Town of White Bluff and certified to the Secretary of State.

SECTION 35. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 34.

PASSED: April 9, 2003



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 17th day of April 2003



PHIL BREDEZEN, GOVERNOR